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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,813	01/31/2002	James Armand Baldwin	MS1-1011US	1857

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/061,813

Applicant(s)

BALDWIN ET AL.

Examiner

Brian J. Gillis

Art Unit

2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 20 March 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

1. The brief does not have the proper headings for Summary of Claimed Subject Matter and Grounds of Rejection to be Reviewed on Appeal.

5. The brief cites claims 4, 9, 14-16, 18, 21, and 24 are rejected over Rodriguez et al only. Claims 4, 9, 18, 21, and 24 are rejected under 103(a) over Rodriguez et al in view of Byrne et al (US Patent #5,990,883).

7. The brief recites claim 15 to have "A computer-readable medium as recited in claim 0". There is no claim 0 for claim 15 to depend from. Appropriate correction is required. The Examiner would like to point to a 112 2nd issue in claim 21. The claim recites the limitation "the client" in line 20. There is insufficient antecedent basis for this limitation in the claim.

10. Under Status of Amendments the brief recites claims 1-3, 5-8, 10-13, 17, 19, 20, 22, and 23-26 as cancelled. Claim 24 is then noted as being amended and still pending. Appropriate correction is required. The brief also recites under the Status of Amendments claims 4, 9, 14-16, 18, 21, and 24 have been amended to be placed in independent form. Claim 15 is still dependent on claim 14. Appropriate correction is required.

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Notification of Non-Compliant Appeal Brief (37 CFR 41.37)

Part of Paper No. 05252006


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER